

January 12, 2020

To the Maine Board of Pesticides Control:

It was with great interest that I read Item 5 on the January 15 Board Meeting agenda: “Request to Review Board Notification Requirements.” During the eight years I worked for the Board of Pesticides Control, the Board, staff, and Legislature worked assiduously to address public concerns about pesticide spraying and improve and strengthen the existing laws and regulations. Results of this work included significant changes to [Chapter 22](#), the “Drift Rule” and, germane to the aforementioned agenda item, [Chapter 28](#), the “Notification Rule.” Following an initial attempt by the Board to amend Chapter 28, and a subsequent law passed by the Legislature in 2009, [LD 1293](#), [LD 1547](#): An Act To Revise Notification Requirements for Pesticides Applications Using Aircraft or Air-carrier Equipment, was passed in 2010, to clarify various questions raised and respond to concerns raised by stakeholders in LD 1293.

LD 1547 created a free, comprehensive notification registry, with online signup for anyone interested, and a seamless, Internet-based mapping system that easily identified and allowed applicators to notify those on the registry of upcoming applications. Accordingly, Chapter 28 was realigned to coincide with LD 1547’s new provisions.

Unfortunately, only a short time after the new registry was activated, and after a new administration came into office with new priorities, the registry was repealed in 2011, and notification reverted back to the “by request” provisions of the Chapter 28. This was a huge step backward in addressing public concerns about pesticides.

It is worth noting that, at the time of repeal, and after a relatively short time where the public had the opportunity to register, there were more than 1,800 Maine citizens who had signed up on the registry, in about 300 municipalities.

The creation of the notification registry was the result of months and months of careful, meticulous work, that included not only the Board of Pesticides Control and Legislature, but all other state agencies that could provide input and might be affected. A committee of public and private health professionals was also created to assess the value and importance of having such a registry. Most important, all stakeholders were involved, with numerous meetings, hearings, and Public Information Gathering Meetings around the state, seeking input.

With all this in mind, I believe, as well as recommend, that the logical starting point, in rekindling discussion on notification, should begin with reviewing what has been done so carefully already. Take LD 1547 (PL 2009, c. 584) out of the drawer, dust it off, and start from there.

I will end by relaying to you a very clear memory of receiving a call from someone who managed blueberry farms, who was delighted with the new registry and praised it for how well and easily it worked.

Sincerely,
Paul

Paul Schlein
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